

107TH CONGRESS
1ST SESSION

H. R. 2898

To amend the Acts of June 1, 1948, and July 5, 1994, to provide for reform of the Federal Protective Service, to enhance the safety and security of Federal, State, and local employees, members of the public at airports with any facilities under the control of the General Services Administration, or airports under the control of the Federal Aviation Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2001

Mr. TRAFICANT introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Acts of June 1, 1948, and July 5, 1994, to provide for reform of the Federal Protective Service, to enhance the safety and security of Federal, State, and local employees, members of the public at airports with any facilities under the control of the General Services Administration, or airports under the control of the Federal Aviation Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **TITLE I—FEDERAL AIRPORTS**
2 **SECURITY ENHANCEMENT ACT**

3 **SEC. 101. SHORT TITLE.**

4 This title may be cited as the “Federal Airports Secu-
5 rity Enhancement Act”.

6 **SEC. 102. ESTABLISHMENT OF AIRPORT SECURITY COM-**
7 **MITTEES.**

8 The Act of July 5, 1994 (49 U.S.C. 44935), is
9 amended—

10 (1) by striking section 44901 subparagraph (b)
11 and inserting the following:

12 **“SEC. 103. EMPLOYMENT STANDARDS AND TRAINING.”.**

13 (2) by striking section 44935 subparagraph (b)
14 and inserting the following:

15 “(a) REVIEW AND RECOMMENDATIONS.—The Ad-
16 ministrators of the Federal Aviation Administration shall
17 establish Security Committees at each airport location to
18 be composed of representatives of the air carriers, airport
19 operators, other interested parties and at least one rep-
20 resentative from the Federal Protective Service, the Fed-
21 eral Bureau of Investigation, The Federal Aviation Ad-
22 ministration and one member from each local jurisdiction
23 that the airport may be located in or that may have juris-
24 dictional authority for the airport facility. Each Airport
25 Security Committee shall meet at least quarterly and shall

1 make recommendations for minimum security counter-
2 measures to the Administrator. The Federal Protective
3 Service shall have primary responsibility for conducting on
4 an ongoing basis security surveys and formulating rec-
5 ommendations to the Security Committee. The Adminis-
6 trator shall prescribe appropriate changes in existing pro-
7 cedures to improve that performance.”.

8 **SEC. 103. SCREENING PASSENGERS AND PROPERTY.**

9 The Act of July 5, 1994 (49 U.S.C. 44935), is
10 amended by striking section 44901, subparagraph (a), and
11 inserting the following:

12 “(a) GENERAL REQUIREMENTS.—The Administrator
13 of the Federal Aviation Administration shall prescribe reg-
14 ulations requiring screening of all passengers and property
15 that will be carried in a cabin of an aircraft in air trans-
16 portation or intrastate air transportation. The screening
17 must take place before boarding and be carried out by a
18 weapon detecting facility or procedure used or operated
19 by an employee or agent of the Federal Protective Service.
20 The Administrator—

21 “(1) shall require that sufficient Federal Police
22 Officers are posted at airport facilities to provide pa-
23 trol duties during all hours of operations as well as
24 supervise screening personnel;

1 “(2) shall maintain sufficient numbers of Spe-
2 cial Agents to provide necessary investigative and
3 supervisory capability; and

4 “(3) shall obtain all necessary personnel and
5 authorization from the Administrator of the General
6 Services Administration.”.

7 **SEC. 104. DESIGNATION OF POLICE OFFICERS.**

8 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
9 amended—

10 (1) in section 1 by striking the section heading
11 and inserting the following:

12 **“SEC. 2. POLICE OFFICERS.”;**

13 (2) in sections 1 and 3 by striking “special po-
14 licemen” each place it appears and inserting “police
15 officers”;

16 (3) in section 1(a) by striking “uniformed
17 guards” and inserting “certain employees”; and

18 (4) in section 1(b) by striking “Special police-
19 men” and inserting the following:

20 “(1) IN GENERAL.—Police officers”.

21 **SEC. 105. POWERS.**

22 Section 1(b) of the Act of June 1, 1948 (40 U.S.C.
23 318(b)), is further amended—

24 (1) by adding at the end the following:

1 “(2) ADDITIONAL POWERS.—Subject to para-
2 graph (3), a police officer or Special Agent ap-
3 pointed under this section is authorized—

4 “(A) to carry firearms in any State, the
5 District of Columbia, the Commonwealth of
6 Puerto Rico, or any territory or possession of
7 the United States;

8 “(B) to petition Federal courts for arrest
9 and search warrants and to execute such war-
10 rants;

11 “(C) to arrest an individual without a war-
12 rant if the individual commits a crime in the of-
13 ficer’s presence or if the officer has probable
14 cause to believe that the individual has com-
15 mitted a crime or is committing a crime; and

16 “(D) to conduct investigations, on and off
17 the property in question, of offenses that have
18 been or may be committed against property
19 under the charge and control of the Adminis-
20 trator or against persons on such property.

21 “(3) AUTHORITY OUTSIDE FEDERAL PROP-
22 ERTY.—The Administrator may enter into agree-
23 ments with State and local governments to obtain
24 authority for police officers appointed under this sec-
25 tion to exercise, concurrently with State and local

1 law enforcement authorities, the powers granted to
2 such officers under this section in areas adjacent to
3 property owned or occupied by the United States
4 and under the charge and control of the Adminis-
5 trator:

6 “(A) The Administrator will in coordina-
7 tion with the Administrator of the Federal
8 Aviation Administration confer the powers
9 granted to such officers under this section in
10 areas under the charge and control of the Ad-
11 ministrator of the Federal Aviation Administra-
12 tion.”; and

13 (2) by moving the left margin of paragraph (1)
14 (as designated by section 202(4) of this Act) so as
15 to appropriately align with paragraphs (2), (3), and
16 (4) (as added by paragraph (1) of this subsection).

17 **SEC. 105. SPECIAL AGENTS.**

18 Section 5 of the Act of June 1, 1948 (40 U.S.C.
19 318d), is amended—

20 (1) by striking “nonuniformed special police-
21 men” each place it appears and inserting “special
22 agents”;

23 (2) by striking “special policemen” and insert-
24 ing “special agent”; and

1 (3) by adding at the end the following: “Any
2 such special agent while on duty shall have the same
3 authority outside Federal property as police officers
4 have under section 1(b)(4).”.

5 **SEC. 106. ESTABLISHMENT OF FEDERAL PROTECTIVE**
6 **SERVICE.**

7 (a) IN GENERAL.—The Act of June 1, 1948 (40
8 U.S.C. 318–318d), is amended by adding at the end the
9 following:

10 **“SEC. 6. ESTABLISHMENT OF FEDERAL PROTECTIVE SERV-**
11 **ICE.**

12 “(a) IN GENERAL.—The Administrator of General
13 Services shall establish the Federal Protective Service as
14 a separate operating service of the General Service Admin-
15 istration.

16 “(b) APPOINTMENT OF COMMISSIONER.—

17 “(1) IN GENERAL.—The Federal Protective
18 Service shall be headed by a Commissioner who shall
19 be appointed by and report directly to the Adminis-
20 trator.

21 “(2) QUALIFICATIONS.—The Commissioner
22 shall be appointed from among individuals who have
23 at least 5 years of professional law enforcement ex-
24 perience in a command or supervisory position.

1 “(c) DUTIES OF THE COMMISSIONER.—The Commis-
2 sioner shall—

3 “(1) assist the Administrator in carrying out
4 the duties of the Administrator under this Act;

5 “(2) except as otherwise provided by law, serve
6 as the law enforcement officer and security official
7 of the United States with respect to the protection
8 of Federal officers and employees in buildings and
9 areas that are owned or occupied by the United
10 States and under the charge and control of the Ad-
11 ministrator (other than buildings and areas that are
12 secured by the United States Secret Service);

13 “(3) render necessary assistance, as determined
14 by the Administrator, to other Federal, State, and
15 local law enforcement agencies upon request; and

16 “(4) coordinate the activities of the Commis-
17 sioner with the activities of the Commissioner of the
18 Public Buildings Service.

19 Nothing in this subsection may be construed to supersede
20 or otherwise affect the duties and responsibilities of the
21 United States Secret Service under sections 1752 and
22 3056 of title 18, United States Code.

23 “(d) APPOINTMENT OF REGIONAL DIRECTORS AND
24 ASSISTANT COMMISSIONERS.—

1 “(1) IN GENERAL.—The Commissioner may ap-
2 point regional directors and assistant commissioners
3 of the Federal Protective Service.

4 “(2) QUALIFICATIONS.—The Commissioner
5 shall select individuals for appointments under para-
6 graphs (1) from among individuals who have at least
7 5 years of direct law enforcement experience, includ-
8 ing at least 2 years in a supervisory position.”.

9 (b) PAY LEVEL OF COMMISSIONER.—Section 5316 of
10 title 5, United States Code, is amended by inserting after
11 the paragraph relating to the Commissioner of the Public
12 Buildings Service the following: “Commissioner, Federal
13 Protective Service, General Services Administration.”.

14 **SEC. 107. PAY AND BENEFITS.**

15 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
16 further amended by adding at the end the following:

17 **“SEC. 7. PAY AND BENEFITS.**

18 “(a) SURVEY.—The Director of the Office of Per-
19 sonnel Management shall conduct a survey of the pay and
20 benefits of all Federal police forces to determine whether
21 there are disparities between the pay and benefit of such
22 forces that are not commensurate with differences in du-
23 ties of working conditions.

24 “(b) PAY SCHEDULE.—The Director of the Office of
25 Personnel Management shall in connection with the survey

1 conducted in subsection (a) produce a pay and benefit
2 schedule for employees of the Federal Protective Service
3 to be contained in the findings and recommendations.

4 “(c) REPORT.—Not later than 6 months after the
5 date of the enactment of this section, the Director shall
6 transmit to Congress a report containing the results of
7 the survey conducted under subsection (a), together with
8 the Director’s findings and recommendations.”.

9 **SEC. 108. NUMBER OF POLICE OFFICERS.**

10 (a) IN GENERAL.—The Act of June 1, 1948 (40
11 U.S.C. 318–318d), is further amended by adding at the
12 end the following:

13 **“SEC. 8. NUMBER OF POLICE OFFICERS.**

14 “After the 1-year period beginning on the date of the
15 enactment of this section, there shall be at least 1,000
16 full-time equivalent police officers in the Federal Protec-
17 tive Service to be assigned to areas outside of airport oper-
18 ations. This number shall not be reduced unless specifi-
19 cally authorized by law. The Administrator of the General
20 Services Administration and the Administrator of the Fed-
21 eral Aviation Administration shall jointly determine full
22 time equivalent number of Police Officers and Special
23 Agents assigned to airport security and law enforcement.”.

1 **SEC. 109. EMPLOYMENT STANDARDS AND TRAINING.**

2 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
3 further amended by adding at the end the following:

4 **“SEC. 9. EMPLOYMENT STANDARDS AND TRAINING.**

5 “(a) IN GENERAL.—The Commissioner of the Fed-
6 eral Protective Service shall prescribe minimum standards
7 of suitability for employment to be applied in the con-
8 tracting of security personnel for buildings and areas that
9 are owned or occupied by the United States and under
10 the control and charge of the Administrator of General
11 Services:

12 “(1) CONTRACT COST.—The Commissioner of
13 the Federal Protective Service shall conduct a cost
14 analysis on each security personnel supply contract
15 to determine if the use of personnel directly em-
16 ployed by the United States would be more cost ef-
17 fective for use in buildings and areas that are owned
18 or occupied by the United States and under the con-
19 trol and charge of the Administrator of General
20 Services. The Commissioner of the Federal Protec-
21 tive Service may not use the prescribed cost analysis
22 for purposes of reducing the number of Police Offi-
23 cers with the Federal Protective Service”.

24 **SEC. 110. AUTHORIZATION OF COST RECOVERY.**

25 The Administrator of the General Services Adminis-
26 tration is authorized to recover all direct and indirect costs

1 associated with airport security operations under this Act
2 from the Federal Aviation Administration:

3 (a) OPERATIONS COST RECOVERY.—The Ad-
4 ministrator of the Federal Aviation Administration
5 is authorized to recover costs associated with en-
6 hanced security operations from the airport authori-
7 ties and air carriers where such entities are cur-
8 rently providing services that would be replaced by
9 the requirements in this act in such matter as may
10 be determined by the Administrator.

11 (b) The Administrator of the Federal Aviation
12 Administration may recover all direct costs of en-
13 hancements required by this act where such per-
14 sonnel or services do not currently exist and no ap-
15 propriation is available from airport authorities and
16 air carriers in such manner as the Administrator
17 may determine.

18 **SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

19 The Act of June 1, 1948 (40 U.S.C. 318–318d), is
20 further amended by adding at the end the following:

21 **“SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

22 “There is authorized to be appropriated from the
23 Federal Buildings Fund established by section 210(f) of
24 the Federal Property and Administrative Services Act of
25 1949 (40 U.S.C. 490(f)) and from the Federal Aviation

- 1 Administration such sums as may be necessary to carry
- 2 out this Act.”.

